



Frankie
Hampton

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ATTORNEYS AT LAW

1666 K Street, NW
Suite 500
Washington, DC 20006
T 202.887.1400
F 202.466.3215

Kate A. Belinski
kbelinski@nossaman.com

September 8, 2015

Mr. Jeff S. Jordan
Assistant General Counsel
Federal Election Commission
999 E. Street NW
Washington, DC 20436

Re: MUR 6946

Dear Mr. Jordan:

This response is filed on behalf of Mr. Nara Lokesh ("Respondent") in response to the Complaint filed by Nagender Madavaram ("Complainant") in the above-referenced matter alleging a violation of the Federal Election Campaign Act ("the Act"). The claim contained in the complaint is baseless, speculative and entirely without merit. Accordingly, for the reasons set forth below, the Respondent respectfully requests that the Commission find no reason to believe he violated the Act.

The complaint, which appears to be based entirely on articles that ran in newspapers in India, alleges that Mr. Lokesh, who is a foreign national, made a prohibited contribution to the Democratic National Committee (DNC) in connection with a fundraising event held in Portland Oregon on May 7, 2015. Mr. Lokesh is indeed a citizen of India and therefore a "foreign national" for purposes of the Act.¹ However, Mr. Lokesh attended the DNC fundraising event merely as a guest of his personal friend, Mr. Raju Indukuri, who is a United States citizen. A copy of Mr. Indukuri's passport information page is provided with this response ("Exhibit A"). According to publicly available records, Mr. Indukuri has a history of making political contributions in U.S. federal elections.

As shown on the contribution card ("Exhibit B"), Mr. Indukuri paid \$20,000 to attend the event, an amount which, as indicated, was charged to a personal credit card held in his name. Mr. Indukuri paid the credit card bill entirely from his own personal funds, and was not reimbursed by anyone, nor was the payment made on behalf of anyone except Mr. Indukuri himself. Mr. Indukuri invited another personal friend who is also a United States citizen to attend as his guest as well. All three men attended the fundraising event and had the opportunity to have their picture taken with President Obama at the event. The payment was properly reported by the DNC on its May Monthly FEC Report.

¹ A "foreign national" is "an individual who is not a citizen of the United States or a national of the United States ... and is not lawfully admitted for permanent residence." 52 U.S.C. § 30121(b)(2).



The Act prohibits any foreign national from making "a contribution or donation of money or other thing of value" in connection with a federal, state, or local election. 52 U.S.C. § 30121(a)(1)(A); see also 11 C.F.R. § 110.20(b). The Act also prohibits any person from "solicit[ing], accept[ing], or receiv[ing]" such a contribution or donation from a foreign national. 52 U.S.C. § 30121(a)(2); see also 11 C.F.R. § 110.20(g).

So long as a foreign national is not making a "contribution" as defined under the Act, nothing in the Act or the Commission's regulations would prevent a foreign national from attending a political fundraiser, meeting a U.S. candidate or officeholder, or having their picture taken with a U.S. candidate or officeholder. Indeed, the Commission has permitted foreign nationals to engage in even more active roles with political campaigns under the "volunteer services exception."² See Advisory Opinion 2004-26 (Weller)(providing that a foreign national could participate in certain campaign-related activities including soliciting contributions, meeting with campaign staff and *attending fundraising events*.)(*emphasis added*).

The allegation that Mr. Lokesh provided any "contributions" in connection with this event in Portland (or indeed in connection with any U.S. election) is entirely based upon speculation by the complainant and is factually inaccurate. Mr. Indukuri, a U.S. citizen, made the political contribution to the DNC using his own personal funds and was not paid or reimbursed by anyone. Mr. Indukuri invited Mr. Lokesh and another personal friend to attend the event with him as his guests. As discussed above, nothing in the Act or the Commission's regulations prohibits or limits the ability of foreign nationals to attend campaign-related events so long as they do not make a "contribution" in connection with such events. Accordingly, we respectfully request that the Commission find no reason to believe Mr. Nara Lokesh violated the Act and close the file in this matter.

Sincerely,

Kate A. Belinski
Attorney at Law

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² Per the "volunteer services exception," the definition of "contribution" does not include "the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee." 52 U.S.C. § 30101(8)(B)(i).